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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,485	10/27/2003	Toshihiko Uno	117571	3123
25944	7590	12/13/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER MILLER, CHERYL L	
			ART UNIT 3738	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,485

Applicant(s)

UNO ET AL.

Examiner

Cheryl Miller

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 6, 2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canon Inc (JP 2002-177306, cited in IDS) in view of Grendahl (US 4,624,669). Canon discloses an IOL adapted for placement between the iris and the crystalline lens (P0011 of English translation; figs.1-4) including an optical part (11 or 1) having a meniscus shape (seen in figs.1, 3) with a back surface configured to be larger in curvature than the natural crystalline lens (discloses reduction of touch zones between the natural lens and IOL; P0019 of English translation; is capable of being larger than natural lens, this is intended use and Canon's lens is capable of

being placed in any size eye, baby or adult) and larger in diameter than a pupil (Canon's lens has the capability of being implanted in a patient with a smaller sized pupil), the optical part (1 or 11) having a refractive power, a support part (13+12 or 3+2) having a length capable of being inserted into a ciliary groove, wherein a back surface of *at least one* of an optical part and the support part (in Canon's case, the support part 12, 2) is formed with a groove (12b or 2b) in a portion adapted to make contact with the crystalline lens, the groove adapted to allow aqueous humor to flow (P0019). Canon discloses a plurality of fine pores (11a in fig.4; or 2a in fig.2) formed in the IOL for allow aqueous humor to pass therethrough (P0019). Canon however discloses the pores to be located in the support part and not in the optical part as claimed and Canon is also silent to mention a size of the pores. Grendahl teaches in the same field of optical lenses, an optical lens part (30; fig.3) have a plurality of fine pores (32a-32n) formed across the effective optical surface (in the center and surrounding the center) the pores having the claimed size of 0.1um to 0.1mm (col.2, lines 26-29, 48-51) for the purpose of maximizing nutrient and fluid flow by the number of pores, distribution, and size, while at the same time minimizing the effect the pores will have on vision (col.1, lines 25-30, 39-41; col.2, lines 48-51; col.3, lines 16-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the IOL having pores of Canon, with Grendahl's teaching of pore placement and size such that fluid and nutrient transport is maximized and visual disruption is minimized.

Claim1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feingold (US 5,913,898, cited previously) in view of Grendahl (US 4,624,669). Feingold discloses an IOL

(see figs.20-24 and disclosed features) adapted for placement between the iris and the crystalline lens (as seen in figs) including an optical part (74, 84) having a meniscus shape with a back surface configured to be larger in curvature than the natural crystalline lens (col.5, lines 23-29; meniscus shown in fig.1 for example) and larger in diameter than a pupil, the optical part having a refractive power, and a support part (72, 82) having a length capable of being inserted into a ciliary groove, wherein a back surface of *at least one* of an optical part and the support part is formed with a groove (grooves are disclosed to be located on the anterior or posterior surface for the same purpose of allowing the flow of aqueous fluid; col.2, line 18-55) in a portion adapted to make contact with the crystalline lens, the groove adapted to allow aqueous humor to flow.

Feingold discloses a fine pore (86; fig.22, 23; col.5, lines 44-50) located in the center of the optical part (84) for passage of aqueous fluid (col.1, lines 56-61; col.5, lines 45-50), however Feingold does not disclose additional fine pores on the optical part (more than one) nor does Feingold disclose a size of the pore. Grendahl teaches in the same field of optical lenses, an optical lens part (30; fig.3) have a plurality of fine pores (32a-32n) formed across the effective optical surface (in the center and surrounding the center) the pores having the claimed size of 0.1um to 0.1mm (col.2, lines 26-29, 48-51) for the purpose of maximizing nutrient and fluid flow by the number of pores, distribution, and size, while at the same time minimizing the effect the pores will have on vision (col.1, lines 25-30, 39-41; col.2, lines 48-51; col.3, lines 16-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the IOL having a pore for fluid flow of Feingold, with Grendahl's teaching of multiple pores and placement and size of pores such that fluid and nutrient transport is maximized and visual disruption is minimized.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Miller whose telephone number is (571) 272-4755. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheryl Miller/


CORRINE McDERMOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3738